

PROB 12C
(6/16)

Report Date: January 6, 2022

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Jan 06, 2022**Eastern District of Washington**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Andrew Vincent Auerbach Case Number: 0980 2:16CR00093-WFN-1

Address of Offender: Spokane, Washington 99223

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, Senior U. S. District Judge
Name of Supervising Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: January 10, 2017

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. §§ 922(g)(1), 924(a)(2)

Original Sentence: Prison - 37 months; Type of Supervision: Supervised Release
TSR - 36 months

Asst. U.S. Attorney: Earl Hicks Date Supervision Commenced: April 8, 2019

Defense Attorney: Federal Defenders Office Date Supervision Expires: April 7, 2022

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

1 **Special Condition #7:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Mr. Auerbach violated the terms of his supervised release by consuming a controlled substance, methamphetamine, on or about December 20, 25, and 26, 2021.

On April 19, 2019, Andrew Auerbach completed the intake process at the U.S. Probation Office. Mr. Auerbach signed his judgment, acknowledging he understood his conditions of supervision. On April 22, 2019, a request for modifying the conditions or term of supervision was filed, which added the above-noted special condition number 7.

On December 16, 2021, Mr. Auerbach successfully discharged from the Spokane Regional Crisis Stabilization Center. On December 21, 2021, Mr. Auerbach contacted the undersigned and reported he failed a urinalysis the day prior. He advised he had a "small" relapse.

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On December 27, 2021, he tested presumptive positive for amphetamines/methamphetamine and morphine/opiates. He signed a drug use admission form stating he used on December 25, 2021.

On December 28, 2021, he stated he was struggling, but denied use since December 25, 2021. At that time, he verbally admitted that he had been using methamphetamine and heroin.

On December 30, 2021, he again tested presumptive positive for amphetamine/methamphetamine and he signed a drug use admission form indicating he used on December 26, 2021.

2 **Special Condition #7:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Mr. Auerbach violated the terms of his supervised release by consuming a controlled substance, heroin, on or about December 20, and 25, 2021.

On April 19, 2019, Andrew Auerbach completed the intake process at the U.S. Probation Office. Mr. Auerbach signed his judgment, acknowledging he understood his conditions of supervision. On April 22, 2019, a request for modifying the conditions or term of supervision was filed, which added the above-noted special condition number 7.

On December 16, 2021, Mr. Auerbach successfully discharged from the Spokane Regional Crisis Stabilization Center. On December 21, 2021, Mr. Auerbach contacted the undersigned and reported he failed a urinalysis the day prior. He advised he had a “small” relapse.

On December 27, 2021, he tested presumptive positive for amphetamines/methamphetamine and morphine/opiates. He signed a drug use admission form stating he used on December 25, 2021.

On December 28, 2021, he stated he was struggling, but denied use since December 25, 2021. At that time, he verbally admitted that he had been using methamphetamine and heroin.

3 **Special Condition #7:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: It is alleged that Mr. Auerbach violated the terms of his supervised release by failing to appear for a random urinalysis test on or about December 22, 2021.

On April 19, 2019, Andrew Auerbach completed the intake process at the U.S. Probation Office. Mr. Auerbach signed his judgment, acknowledging he understood his conditions of supervision. On April 22, 2019, a request for modifying the conditions or term of supervision was filed, which added the above-noted special condition number 7.

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Mr. Auerbach is enrolled in random urinalysis testing at Pioneer Human Services (PHS). He is expected to call the color line daily and report for testing on the same days his color is called.

On December 22, 2021, he failed to appear for a random drug test.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/06/2021

s/Melissa Hanson

Melissa Hanson
U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- Other



Signature of Judicial Officer

01/06/2022

Date